

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 558 OF 2004
IN
CIVIL APPLICATION NO. 1726 OF 2000
IN
FIRST APPEAL NO. 230 OF 2000

Office Notes, Office Memoranda
of of Coram, appearances, Court's
orders and Registrar's orders : Court's or Judge's orders

Miss Gauri Godse for the applicant.

Shri R.R. Salvi for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 17TH DEC., 2004

P.C.:

1. This is an application to seek permission to carry out the repairs to the house property in dispute between the parties. By order dated 15.7.2004 roof repairs to the leaking rooms were granted to the appellant.

2. Now by affidavit dated 19.8.2004, the applicant has brought on record expert's report regarding required repairs which includes replacement of AC roofing by RCC slab which may not be advisable in view of the pending dispute between the parties.

After considering the submissions of both parties, I am inclined to grant the repairs to the property as under :-

(1) Replacement of present AC roofing sheet with new AC roofing sheet which would also stop leakage from the roof which may weaken the existing brick wall of the house.

(2) Flooring of existing house is said to be sucken and, therefore, reflooring of the present floor is also permitted; and

(3) Plastering of the walls wherever necessary is also allowed.

These repairs shall be without prejudice to the rights and liabilities of the parties which would be determined at the time of final hearing of the appeal.

With these directions, the application stands disposed of with no order as to costs.

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